

**Civil Action No.:** \_\_\_\_\_

**1**

true and correct copy of all process and pleadings filed in the State Court Action as reflected on Alacourt are attached hereto as Exhibit “A”.

2. This Notice of Removal is being filed within thirty (30) days after receipt by Defendant of the initial pleading on which the aforesaid action is based pursuant to Rule 6(a) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1446(b).

3. The United States District Court for the Northern District of Alabama, Jasper Division, is the federal judicial district embracing the Circuit Court of Marion County, Alabama, where this suit was originally filed. Venue is therefore proper under 28 U.S.C. § 81(a)(1) and § 1441(a).

4. Plaintiff could have originally filed this action against Hartford in this Court pursuant to 29 U.S.C. § 1132 (ERISA § 502), as Plaintiff seeks to recover long term disability (“LTD”) benefits under Group Insurance Policy No. GLT-675982 (the “Policy”), issued by Hartford to Hyundai Motor Manufacturing Alabama, LLC (“Hyundai”) to insure the long-term disability component of the Hyundai Employee Welfare Benefit Plan (the “Plan”). A true and correct copy of the Policy is attached hereto as Exhibit “B.” Moreover, Plaintiff acknowledges that his claim for benefits is governed by ERISA and expressly seeks relief under the ERISA statute. *See* Complaint at ¶¶ 1, 5-6, 13-14 and “WHEREFORE” clause).

5. The District Courts of the United States have original jurisdiction over civil actions under ERISA pursuant to 28 U.S.C. § 1331 without respect to the amount in controversy or the citizenship of the parties. Therefore, this action may be removed to the United States District Court for the Northern District of Alabama, Jasper Division, pursuant to the provisions of 28 U.S.C. § 1441(a).

6. A copy of this Notice of Removal is being filed with the Clerk of the Circuit Court of Jasper County, Alabama, as provided by law, and written notice is being sent to Plaintiff's counsel.

7. Hartford has not sought similar relief.

8. The prerequisites for removal under 28 U.S.C. § 1441 have been met.

9. The allegations of this Notice are true and correct and within the jurisdiction of the United States District Court for the Northern District of Alabama, and this cause is removable to the United States District Court for the Northern District of Alabama.

10. Should any question arise as to the propriety of the removal of this action, Hartford respectfully requests the opportunity to submit a brief and present oral argument in support of its position that this cause is removable. *Sierminski v. Transouth Fin. Corp.*, 216 F.3d 945, 949 (11th Cir. 2000).

WHEREFORE, PREMISES CONSIDERED, Defendant Hartford Life and Accident Insurance Company, desiring to remove this civil action to the United

States District Court for the Northern District of Alabama, Jasper Division, the district and division encompassing the county in which such civil action is pending, prays that the filing of this Notice of Removal, the giving of written notice thereof to Plaintiff, and the filing of a copy of this Notice of Removal with the Clerk of the Circuit Court of Marion County, Alabama, shall effect the removal of said civil action to this Honorable Court.

Respectfully submitted,

/s/ William B. Wahlheim, Jr.

William B. Wahlheim, Jr.

Grace R. Murphy

*Attorneys for Defendant Hartford Life and  
Accident Insurance Company*

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following listed persons by placing a copy of the same in the United States mail, postage prepaid and properly addressed, this the 17<sup>th</sup> day of August 2017:

R. Willson Jenkins  
210 East Tennessee St.  
Florence, AL 35630

/s/ William B. Wahlheim, Jr.  
OF COUNSEL